



Sen. Dale A. Righter

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09400HB0361sam001

LRB094 02483 BDD 46597 a

1 AMENDMENT TO HOUSE BILL 361

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 361 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Economic Development for a Growing Economy  
5 Tax Credit Act is amended by changing Section 5-25 as follows:

6 (35 ILCS 10/5-25)

7 Sec. 5-25. Review of Application.

8 (a) In addition to those duties granted under the Illinois  
9 Economic Development Board Act, the Illinois Economic  
10 Development Board shall form a Business Investment Committee  
11 for the purpose of making recommendations for applications. At  
12 the request of the Board, the Director of Commerce and Economic  
13 Opportunity ~~Community Affairs~~ or his or her designee, the  
14 Director of the Governor's Office of Management and Budget  
15 ~~Bureau of the Budget~~ or his or her designee, the Director of  
16 Revenue or his or her designee, the Director of Employment  
17 Security or his or her designee, and an elected official of the  
18 affected locality, such as the chair of the county board or the  
19 mayor, may serve as members of the Committee to assist with its  
20 analysis and deliberations.

21 (b) At the Department's request, the Committee shall  
22 convene, make inquiries, and conduct studies in the manner and  
23 by the methods as it deems desirable, review information with  
24 respect to Applicants, and make recommendations for projects to

1 benefit the State. In making its recommendation that an  
2 Applicant's application for Credit should or should not be  
3 accepted, which shall occur within a reasonable time frame as  
4 determined by the nature of the application, the Committee  
5 shall determine that all the following conditions exist:

6 (1) The Applicant's project intends, as required by  
7 subsection (b) of Section 5-20 to make the required  
8 investment in the State and intends to hire the required  
9 number of New Employees in Illinois as a result of that  
10 project.

11 (2) The Applicant's project is economically sound and  
12 will benefit the people of the State of Illinois by  
13 increasing opportunities for employment and strengthen the  
14 economy of Illinois.

15 (3) That, if not for the Credit, the project would not  
16 occur in Illinois, which may be demonstrated by any means  
17 including, but not limited to:~~;~~

18 (A) evidence the Applicant has multi-state  
19 location options and could reasonably and efficiently  
20 locate outside of the State;~~;~~ or

21 (B) a demonstration that at least one other state  
22 is being considered for the project;~~;~~ or

23 (C) evidence that the receipt of the Credit is a  
24 major factor in the Applicant's decision and that,  
25 without the Credit, the Applicant likely would not  
26 create new jobs in Illinois;~~;~~ or

27 (D) evidence that the Applicant, currently located  
28 in the State, is in competition for production or for a  
29 contract to provide goods or services to a vendee who  
30 has the option of awarding the production or contract,  
31 instead, to a vendor in another state; or

32 (E) a demonstration that receiving the Credit is  
33 essential to the Applicant's decision to create or  
34 retain new jobs in the State.

1           (4) A cost differential is identified, using best  
2           available data, in the projected costs for the Applicant's  
3           project compared to the costs in the competing state,  
4           including the impact of the competing state's incentive  
5           programs. The competing state's incentive programs shall  
6           include state, local, private, and federal funds  
7           available.

8           (5) The political subdivisions affected by the project  
9           have committed local incentives with respect to the  
10          project, considering local ability to assist.

11          (6) Awarding the Credit will result in an overall  
12          positive fiscal impact to the State, as certified by the  
13          Committee using the best available data.

14          (7) The Credit is not prohibited by Section 5-35 of  
15          this Act.

16          (Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)".